

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

DENZIL LOUIS DAVIS, JR.,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:16-CV-126
(GROH)**

**NANCY A. BERRYHILL,
Acting Commissioner of Social Security,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Michael J. Aloï, to which neither party filed objections. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the R&R to which objection is made; however, failure to file objections waives the right to *de novo* review. See Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979). Accordingly, because no objections were filed, this Court will review the R&R for clear error.


In this matter, the R&R concludes that the Administrative Law Judge’s (“ALJ”) decision does not contain specific reasons in support of his credibility determination. Specifically, Magistrate Judge Aloï states that the ALJ’s credibility analysis “largely consist[s] of a recitation of objective medical evidence” rather than a meaningful explanation of the weight afforded to the Plaintiff’s subjective complaints and various medical records. See ECF No. 13 at 36-43. As is the case here, the ALJ’s failure to

“build an accurate and logical bridge from the evidence to his conclusion” is reversible error. See Monroe v. Colvin, 826 F.3d 176, 189 (4th Cir. 2016) (internal quotation omitted) (quoting Clifford v. Apfel, 227 F.3d 863, 872 (7th Cir. 2000)); see also Lewis v. Berryhill, 858 F.3d 858, 868 (4th Cir. 2017). Therefore, the decision of the Commissioner must be vacated and this case remanded for reconsideration.

Upon consideration, this Court finds that the Report and Recommendation of Magistrate Judge Aloï [ECF No. 13] is not clearly erroneous and thus **ORDERS** it **ADOPTED** for the reasons more fully stated therein. Accordingly, the Court **GRANTS** the Plaintiff’s motion for summary judgment [ECF No. 9], **DENIES** the Defendant Commissioner’s motion for summary judgment [ECF No. 11], **VACATES** the Commissioner’s decision and **REMANDS** this case for a thorough and appropriate evaluation of the evidence consistent with the directives in the R&R.

The Clerk is **DIRECTED** to strike this matter from the Court’s active docket, enter a separate judgment order in favor of the Plaintiff and transmit copies of this Order to all counsel of record.

DATED: August 3, 2017



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE